

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

In re: ) Case No. 13-40498  
Jose and Raquel Diaz, )  
)  
)  
)  
Debtor(s) )

**AMENDED CHAPTER 13 PLAN AND PLAN SUMMARY**

COME NOW debtors, Jose and Raquel Diaz, by and through their undersigned counsel, and amend their Chapter Plan to reflect the following:

1. The Plan Payment shall be \$350.00.
2. Per Paragraph 7d of Debtor's Chapter 13 Plan and Plan Summary, it shall read as follows:
  - a. Claims to which §506 valuation is applicable:

Claims listed in this subsection consist of any PMSI claims secured by personal property not described in paragraph 7(c) above. The portion of any allowed claim that exceeds the value indicated below shall be treated as a non-priority unsecured claim. See §§1325(a)(5) and 506(a).

Creditor name	Last 4 digits of account #	Collateral	Value of collateral	Interest rate	EMA payment through plan
RBS Citizens NA	6368	2005 Hyundai Accent	\$5500.00	Ch13 Rate	\$219.70
Nebraska Furniture Mart	7610	Household Items	\$523.18	Ch13 Rate	\$15.00
			\$	Ch13 Rate	\$

3. Per Paragraph 12 of Debtor's Chapter 13 Plan and Plan Summary, it shall read as follows:

**NON-PRIORITY UNSECURED CREDITORS**

- a. If debtor has both non-exempt equity (requiring a LAP) and disposable income (requiring a DIP), the type of plan selected should be the option which provides the greatest dividend to non-priority unsecured creditors and complies with §1325(b) if less than a 100% dividend.
- b. To the extent that the debtor is entitled to a tax refund which is a prepetition asset, the non-exempt portion thereof which either is not properly setoff, or which is not already provided for under the terms of the plan for the benefit of the unsecured creditors shall be turned over to the trustee for the benefit of the filed and allowed unsecured creditors.

c. To the extent debtor has a pending or potential lawsuit or other administrative proceeding, whether or not such cause of action is listed on Schedule B, any net, non-exempt proceeds which become liquidated during the applicable commitment period shall be turned over to the trustee for the benefit of unsecured creditors absent other court order and absent other agreement with the trustee.

d. Choose only one treatment of non-priority unsecured creditors below:

i. ☐ A dividend of 100%.

ii. ☐ A dividend of 0%.

iii. ☐ A base plan. The base is      months of payments.

iv. ☒ Liquidation Analysis Pot (LAP)

There is non-exempt equity of \$6271.00.

v. ☐ Disposable Income Pot – 60 months (DIP-60).

The DIP-60 amount is \$      (60 x \$      monthly disposable income as calculated on Form B22C).

vi. ☐ Disposable Income Pot – 36 months (DIP-36).

The DIP-36 amount is \$      (36 x \$      monthly disposable income).

4. All other provisions of debtors' Plan shall remain the same.

Respectfully submitted,

THE VICK LAW FIRM

By: /s/ Meredyth A. Vick

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### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served upon all affected parties on the same date as filing.

/s/ Meredyth A. Vick

Meredyth A. Vick

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